

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

<p>ERIC GUNTHER, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>CAPITAL ONE, N.A. d/b/a CAPITAL ONE BANK and CAPITAL ONE FINANCIAL CORPORATION,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. 09-2966-ADS-AKT</p>
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EXPERT DECLARATION OF MICHAEL ROSS

LAW OFFICES OF  
MICHAEL S. ROSS  
THE LINCOLN BUILDING  
60 EAST 42<sup>ND</sup> STREET  
FORTY-SEVENTH FLOOR  
NEW YORK, NY 10165

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michaelross@rosslaw.org

January 4, 2011

**BY ELECTRONIC MAIL**

Arthur J. Ciampi, Esq.  
Ciampi, LLC  
39 Broadway  
Suite 520  
New York, New York 10006

Re: Paul C. Whalen's Entitlement To Legal Fees During  
The Period When He Was Not Current With His  
Office Of Court Administration Dues.

Dear Mr. Ciampi:

**A. INTRODUCTION.**

You have asked me to address the question of whether the law partnership of your client, Paul C. Whalen, Esq., may pay him what would otherwise be his partnership share of a legal fee earned as a result of a class action prosecuted in the United States District Court for the Eastern District of New York before District Court Judge Arthur Spatt, Eric Gunther v. Capital One, Civil Action No. 09-2966-ADS-AKT (the "case"), notwithstanding the fact that during some part of the time (or all of the time) when the case was pending, Mr. Whalen was not current with his Office of Court Administration ("O.C.A.") dues and had not properly registered as an attorney, as required by Judiciary Law Section 468-a and 22 N.Y.C.R.R. Section 118.1.

I am assuming the following facts:

- Mr. Whalen was admitted to practice law in the State of New York in 1996 (a fact I confirmed on the O.C.A. website). Mr. Whalen was notified on October 6, 2010 by letter from the Grievance Committee for the Tenth Judicial District (a copy of which is attached as "Exhibit

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MICHAEL S. ROSS

Arthur J. Ciampi, Esq.  
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A”) that he was delinquent in his registration for the periods of 2007 to 2008 and 2009 to 2010; and the Committee directed him to explain his failure to register and to provide timely proof that he had timely registered.

- Mr. Whalen corresponded with the Committee; provided a letter of explanation to the Committee; and eventually sent the Committee a November 18, 2010 “Temporary Receipt” confirming that he paid his delinquent O.C.A. dues. (A copy of the Temporary Receipt is attached hereto as “Exhibit B.”) Thereafter, neither the Committee nor the Appellate Division imposed any type of attorney sanction on Mr. Whalen.
- During the relevant time period of his delinquency in registration, Mr. Whalen was **not** suspended or disbarred from the practice of law – a fact which I confirmed by a Westlaw database search.
- Mr. Whalen’s law partnership will eventually receive a portion of the \$750,000.00 net legal fee which has been awarded by the Court.
- Mr. Whalen’s partner, in the context of a law partnership civil dispute, is now asserting that the law partnership is not permitted to pay any legal fees to Mr. Whalen that were derived from the case because, supposedly, of the operation of Local Rule 1.3 (c) of the Rules of the Southern and Eastern District of New York. That Rule provides that only an admitted member of the Southern or Eastern District Bars, or an attorney who is admitted therein pro hac vice, may enter appearances for parties, sign stipulations or receive payments upon judgments, decrees or orders.

As I explain below, it is my opinion that neither the Judiciary Law, the New York Rules nor Local Rule 1.3(c) of the Eastern and Southern Districts of New York prohibit Mr. Whalen’s law partnership from paying him what would otherwise be his partnership share of the Eastern District case’s recovery.

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**B. QUALIFICATIONS.**

My qualifications to provide you with my opinion in connection with the ethics matters addressed in this letter are set forth fully in my curriculum vitae (a copy of which is attached hereto as "Exhibit C").

I am a member of the Bar of the State of New York, and am admitted to practice before the Southern, Eastern and Northern Districts of New York, the United States Court of Appeals for the Second Circuit and the United States Supreme Court. As more fully appears from my attached curriculum vitae:

1. I am an Adjunct Professor at the Benjamin N. Cardozo School of Law (where I teach Fall and Spring courses in Litigation Ethics) and an Adjunct Associate Professor at Brooklyn Law School (where I teach Fall and Summer courses in Professional Responsibility). In addition, in my nearly three decades of teaching at Cardozo Law School, I have taught a variety of ethics, trial practice and judicial administration courses, and since 1984, I have served as the Executive Director/Team Leader of Cardozo's annual two-week Intensive Trial Advocacy Program.
2. I earned my *Juris Doctor* in 1974 from New York University School of Law and earned my Bachelor of Arts degree, *cum laude*, with Phi Beta Kappa honors, in 1971 from Rutgers University. After graduating law school, I served as a Kings County Assistant District Attorney and as an Assistant United States Attorney for the Southern District of New York's Criminal Division.
3. In addition to teaching ethics at two law schools, I maintain a private law practice, the Law Offices Of Michael S. Ross. Among my attorney ethics-related work, my firm regularly provides ongoing consultation and guidance to lawyers and law firms concerning appropriate courses of action when dealing with ethics-related issues which arise in the day-to-day practice of law. I regularly consult with lawyers and law firms to assess claims of legal malpractice and violations of the Judiciary Law as they relate to disciplinary and fiduciary issues. I also represent trial and appellate judges before the New York State Commission on Judicial Conduct.
4. With particular relevance to this matter, I have represented various attorneys who have been delinquent in their O.C.A.

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registration, including a number who have been suspended for prolonged and chronic non-registration. I have also represented – and do so at this present time – law firms whose attorneys have been suspended for non-registration. I have addressed issues resulting from such non-registration with the firms of such attorneys. In addition, during the 25 years in which my practice has focused on the representation of attorneys and law firms, I have represented many attorneys and law firms in addressing issues relating to entitlement to legal fees under New York's Judiciary Law and various New York Court Rules on attorney registration and disbarment.

5. In addition to my ethics practice, I maintain an active criminal defense practice in both New York State and Federal courts.
6. I have lectured extensively on ethics-related matters, and have taught and lectured on attorney ethics issues at well over 200 Continuing Legal Education programs for both lawyers and judges, sponsored by: the New York State Judicial Institute; the Appellate Divisions, First and Second Departments; the Association of Professional Responsibility Lawyers (a national group of ethics lawyers); the New York State Bar Association; the Practicing Law Institute; the Association of the Bar of the City of New York; the New York County Lawyers' Association; the New York State Academy of Trial Lawyers; and the New York State Trial Lawyers' Association.
7. Over the years, I have served as a member of the Association of the Bar of the City of New York's Committee on Professional Discipline; the New York County Lawyers' Association Committee on Professional Discipline; the New York State Bar Association's Committee on Professional Discipline; the New York State Bar Association's Special Committee on Procedures for Judicial Discipline; and the New York State Bar Association's Special Committee on Mass Disaster (which has worked on the ethical provision of legal services during public disasters). I also serve on the Board of Advisors of the New York County Lawyers' Association Institute of Legal Ethics.

I render this opinion in my individual capacity and not in connection with any of the entities with which I am connected.

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C. DISCUSSION.

New York State-admitted lawyers who practice in the Second Judicial Department, as does Mr. Whalen, are subject to a specific Rule which governs when they are not permitted to earn a legal fee as a result of suspension or disbarment from the practice of law. The Rule, 22 N.Y.C.R.R. Section 691.10(b), provides in pertinent part:

*“Compensation.* A disbarred, suspended or resigned attorney may not share in any fee for legal services performed by another attorney during the period of his removal from the bar. A disbarred, suspended or resigned attorney may be compensated on a *quantum meruit* basis for legal services rendered and disbursements incurred by him prior to the effective date of the disbarment or suspension order or of his resignation. The amount and manner of payment of such compensation and recoverable disbursements shall be fixed by the court on the application of either the disbarred, suspended or resigned attorney or the new attorney, on notice to the other as well as on notice to the client. Such applications shall be made at special term in the court wherein the action is pending or at special term in the Supreme Court in the county wherein the moving attorney maintains his office if an action has not been commenced. In no event shall the combined legal fees exceed the amount the client would have been required to pay had no substitution of attorneys been required.”

Thus, unless an attorney is disbarred or suspended, under Section 691.10(b), he or she is entitled to be paid without regard to his or her O.C.A. status.<sup>1</sup> Inasmuch as Mr. Whalen was not suspended or disbarred by the Appellate Division – rather, he was delinquent in his O.C.A. registration – the question remains whether there is some *other* basis to deny Mr. Whalen his legal fee.

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<sup>1</sup>In fact, even a disbarred partner in a firm – and Mr. Whalen was never sanctioned in any way – is entitled to be paid for money earned by a partnership based upon the lawyer’s proportionate share of the partnership. See Decolator, Cohen & DiPrisco, LLP v. Lysaght, Lysaght & Kramer, PC, 304 A.D.2d 86 (1<sup>st</sup> Dept. 2003) (Court permits a firm of which the former principals had been disbarred to receive a percentage of the contingency fee obtained for a former client of firm before disbarment.); In re Melvyn I. Weiss, Index No. 601929/2008, IAS Part 49, Justice Cahn, Order dated Aug. 22, 2008 (authorizing Melvyn I. Weiss, a convicted racketeer and class action lawyer who was convicted of felonies and automatically disbarred, to be paid his share of firm fees partnership profits earned prior to his conviction and mandatory disbarment).

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Judiciary Law Section 468-a<sup>2</sup>, referenced in the Committee's October 6<sup>th</sup> letter to Mr. Whalen provides that every attorney admitted to practice in New York State shall file biennial registration statements and pay the biennial fees of \$350. Significantly, non-compliance does not void the status of an attorney as being admitted to practice law; rather, Section 468-a(5) provides:

“Noncompliance by an attorney with the provisions of this section and the rules promulgated hereunder shall constitute conduct

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<sup>2</sup>“Section 468-a. Biennial registration of attorneys.

1. Every attorney and counsellor-at-law admitted to practice in this state on or before January first, nineteen hundred eighty-two, whether resident or nonresident, shall file a biennial registration statement with the administrative office of the courts on or before March first, nineteen hundred eighty-two in such form as the chief administrator of the courts shall prescribe. An attorney who is admitted to practice after January first, nineteen hundred eighty-two and on or before January first, nineteen hundred eighty-six, shall file a registration statement within sixty days after the date of admission. An attorney who is admitted to practice after January first, nineteen hundred eighty-six shall file a registration statement prior to taking the constitutional oath of office.
2. Attorneys shall register biennially on the dates prescribed by the chief administrator. In the event of a change in information previously submitted, an attorney shall file an amended statement within thirty days of such change.
3. The chief administrator shall prescribe the form in which such registry of attorneys shall be maintained and the procedures for public access thereto, and may make all such other rules and regulations necessary and appropriate to implement and enforce the provisions of this section.
4. The biennial registration fee shall be three hundred fifty dollars, sixty dollars of which shall be allocated to and be deposited in a fund established pursuant to the provisions of section ninety-seven-t of the state finance law, fifty dollars of which shall be allocated to and shall be deposited in a fund established pursuant to the provisions of section ninety-eight-b of the state finance law and the remainder of which shall be deposited in the attorney licensing fund. Such fee shall be required of every attorney who is admitted and licensed to practice law in this state, whether or not the attorney is engaged in the practice of law in this state or elsewhere, except attorneys who certify to the chief administrator of the courts that they have retired from the practice of law.
5. Noncompliance by an attorney with the provisions of this section and the rules promulgated hereunder shall constitute conduct prejudicial to the administration of justice and shall be referred to the appropriate appellate division of the supreme court for disciplinary action.”



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prejudicial to the administration of justice and shall be referred to the appropriate appellate division of the supreme court for disciplinary action.”

In short, under Section 468-a of the Judiciary Law, failure to pay biennial dues and register are a basis for further discipline, but it does not impact upon the attorney’s ability to receive fees unless, and until, the Appellate Division suspends or disbars the attorney – which did not happen to Mr. Whalen. In fact, after Mr. Whalen duly registered and paid his delinquent dues, neither the Committee nor the Appellate Division imposed any type of attorney sanction upon him.

Similarly, 22 N.Y.C.R.R. Section 118.1<sup>3</sup>, also referenced in the Committee’s October 6<sup>th</sup>

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<sup>3</sup>22 N.Y.C.R.R. Section 118.1 provides:

“a) Every attorney admitted to practice in New York State on or before January 1, 1982, whether resident or nonresident, and whether or not in good standing, shall file a registration statement with the Chief Administrator of the Courts no later than March 1, 1982, and during each alternate year thereafter, within 30 days after the attorney's birthday, for as long as the attorney remains duly admitted to the New York bar.

(b) Every attorney admitted to practice in New York State after January 1, 1982, and on or before January 1, 1986, whether resident or nonresident, and whether or not in good standing, shall file a registration statement within 60 days of the date of such admission, and during each alternate year thereafter, within 30 days after the attorney's birthday, for as long as the attorney remains duly admitted to the New York bar.

(c) Every attorney admitted to practice in New York State after January 1, 1986, whether resident or nonresident, and whether or not in good standing, shall file a registration statement prior to taking the constitutional oath of office, and during each alternate year thereafter, within 30 days after the attorney's birthday, for as long as the attorney remains duly admitted to the New York bar.

(d) The registration statement shall be filed in person at the Office of Court Administration, 25 Beaver Street, 8th Floor, in the City of New York, or by ordinary mail addressed to .....

(e) The registration statement shall be on a form provided by the Chief Administrator and shall include the following information, attested to by affirmation: [details omitted]

(f) In the event of a change in any of the information required to be provided pursuant

(continued...)



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letter, did not invalidate or undermine Mr. Whalen's status as a New York admitted attorney. Rather, Section 118.1 requires attorneys to register and pay biennial dues, and provides the details of the registration information to be provided. Significantly, non-compliance with Section 118.1 does not void the status of an attorney as being admitted to practice law; rather, Section 118.1 provides that:

"Failure by any attorney to comply with the provisions of this section shall result in referral for disciplinary action by the Appellate Division of the Supreme Court pursuant to section 90 of the Judiciary Law."

As was the case with Section 468-a of the Judiciary Law, the failure of Mr. Whalen to comply with 22 N.Y.C.R.R. Section 118.1 and pay his biennial dues and register did not result in any discipline or otherwise impact on his status as an attorney. Again, this is evidenced by the fact that after Mr. Whalen duly registered and paid his delinquent dues, neither the Committee nor the Appellate Division imposed any type of attorney sanction upon Mr. Whalen.

Finally, I address the claim by Mr. Whalen's partner that the law partnership is not permitted to pay any legal fees to Mr. Whalen that were derived from the case because, supposedly, of the operation of Local Rule 1.3 (c) of the Rules of the Southern and Eastern Districts of New York. This assertion is puzzling. The Pacer docket sheet for the Gunther case reflects Mr. Whalen being one of the attorneys of record, along with his partner, Joseph S. Tusa, Esq., and Joseph Guglielmo, Esq., of the other collaborating law firm. Presumably, Mr. Whalen had to be admitted to the Bar of the

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<sup>3</sup>(...continued)  
to subdivision (e) of this section, the attorney shall file an amended statement within 30 days of such change.

(g) Each registration statement filed pursuant to this section shall be accompanied by a registration fee of \$375. No fee shall be required from an attorney who certifies that he or she has retired from the practice of law. ...

(h) Failure by any attorney to comply with the provisions of this section shall result in referral for disciplinary action by the Appellate Division of the Supreme Court pursuant to section 90 of the Judiciary Law."

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Eastern District in order for him to have entered his Notice of Appearance.

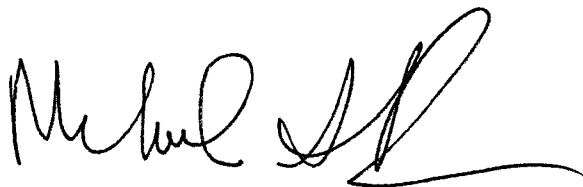
Thus, and *first*, if Mr. Whalen was a member of the Bar (and I am advised that he was), that resolves the issue of his being eligible to receive payment inasmuch as Local Rule 1.3(c) does not question whether or not the lawyer has paid his or her O.C.A. dues. Under Local Rule 1.3(c), it is enough if the lawyer is a member of the Eastern District Bar.

Alternatively, and *second*, if Mr. Whalen were not admitted to the Eastern District Bar, any payment to him from the proceeds of the Gunther case would not represent payment to Mr. Whalen for his individual services. Rather, the payment which Mr. Whalen would receive would represent his distributive share of partnership proceeds. And, of course, partners in a firm can be paid based upon a recovery in a case even if they did not work on the case, never appeared in the case, etc.

**D. CONCLUSION.**

Thus, to summarize, it is my opinion that neither the Judiciary Law, the New York Rules nor the Local Rules of the Eastern and Southern Districts of New York prohibit Mr. Whalen's law partnership from paying him what would otherwise be his partnership share of the Eastern District case's recovery.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael S. Ross", with a long horizontal flourish extending to the right.

Michael S. Ross

Att.

# **EXHIBIT A**



PAUL GIANELLI, ESQ.  
CHAIRMAN

KENNETH J. WEINSTEIN, ESQ.  
VICE-CHAIRMAN

STATE OF NEW YORK  
GRIEVANCE COMMITTEE FOR THE  
TENTH JUDICIAL DISTRICT

150 MOTOR PARKWAY  
SUITE 102  
HAUPPAUGE, N.Y. 11788  
(631) 231-3775

ROBERT A. GREEN  
CHIEF COUNSEL

MITCHELL T. BORKOWSKY  
DEPUTY CHIEF COUNSEL

NANCY B. GABRIEL  
ELIZABETH A. GRABOWSKI  
STACEY J. SHARPELLETTI  
MICHAEL J. KEARSE  
LESLIE B. ANDERSON  
MICHAEL FUCHS  
MICHELE FILOSA  
ROBERT H. CABBIE  
DANIEL M. MITOLA  
ASSISTANT COUNSEL

CHRISTOPHER C. KERN  
DOUGLAS K. KRONENBERG  
INVESTIGATORS

October 6, 2010

PERSONAL & CONFIDENTIAL

Paul C. Whalen, Esq.  
525 Plandome Road, #212  
Manhasset, New York 11030

Re: File No. N-2539-10

Dear Mr. Whalen:

Please be advised that pursuant to 22 NYCRR §691.4(c), this Committee has initiated a complaint and investigation, *sua sponte*, concerning your professional conduct. The complaint is based on the records of the Office of Court Administration (OCA), which reflect that you have failed to properly register as an attorney for registration periods (2007-2008 and 2009-2010), as required by §468-a of the Judiciary Law and §118.1 of the Rules of the Chief Administrator of the Courts (22 NYCRR §118.1).

If you have not registered, as alleged, you are required to do so forthwith. You may re-register in person at the OCA offices located at 25 Beaver Street, 8<sup>th</sup> Floor, New York, New York 10004, or by mail to Post Office Box 2806, Church Street Station, New York, New York 10008. Requests for forms or other information regarding your registration status, including the exact amount of any fees or arrears that may be owed, should be directed to the OCA, Attorney Registration Unit at 212-428-2800 or [attyreg@courts.state.ny.us](mailto:attyreg@courts.state.ny.us).

As part of this investigation, you are requested to do the following:

(1) Submit to the Committee, within ten (10) days of your receipt of this letter, your written answer explaining your alleged failure to properly register as required. Also enclosed is a Background Questionnaire which you are requested to complete and submit with your answer.

(2) Submit to the Committee within forty-five (45) days of your receipt of this letter, a copy of the receipt which the OCA will provide to you upon registering, or other proof of your compliance with the registration requirement.

Paul C. Whalen, Esq.  
October 6, 2010

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Please be advised that your unexcused failure to timely respond or otherwise properly cooperate in this matter constitutes "professional misconduct" independent of the merits of the complaint and will be treated accordingly by the Committee. Further, you are reminded that §468-a(5) of the Judiciary Law and §118.1 of the Rules of the Chief Administrator of the Courts (22 NYCRR §118.1) provide that failure by an attorney to comply with the registration requirements may result in disciplinary action.

Please direct future communications concerning this matter to Douglas K. Kronenberg, Investigator to the Committee, and refer to the file number above.

Very truly yours,

ROBERT A. GREEN  
Chief Counsel

A handwritten signature in black ink, appearing to read "Doug K. Kronenberg", with a long, sweeping horizontal line extending to the right.

DOUGLAS K. KRONENBERG  
Investigator

DKK/jm  
Enclosure

## **EXHIBIT B**



NEW YORK STATE  
Unified Court System

OFFICE OF COURT ADMINISTRATION  
ATTORNEY REGISTRATION UNIT

TEMPORARY RECEIPT

ATTORNEY: PAUL C. WHALEN

REGISTRATION NUMBER: 2735819

PAYMENT FROM:

METHOD OF PAYMENT:

MONEY ORDER: 5837937649

AMOUNT PAID: \$700.00

BIENNIAL PERIOD(s): 2010-2011, 2008-2009

DATE ISSUED: 11/18/2010



ISSUED BY: K. COLES



# **EXHIBIT C**

As Of December 21, 2010

RESUME

MICHAEL S. ROSS

J.D., New York University School of Law, 1974

B.A., Rutgers University, 1971

Principal in:

Law Offices Of Michael S. Ross  
One Grand Central Place  
60 East 42<sup>nd</sup> Street  
Forty-Seventh Floor  
New York, New York 10165  
Telephone (212) 505-4060  
Facsimile (212) 505-4054  
email "michaelross@RossLaw.org"

Formerly a principal partner in the law firms of LaRossa & Ross, from 1998 through November of 2001; LaRossa, Mitchell & Ross, from 1986 through 1998; and LaRossa, Cooper, Axenfeld, Mitchell & Bergman from 1984 through 1986.

Practice concentrated in the areas of the representation of attorneys in ethics and professional responsibility matters as well as criminal law.

Assistant United States Attorney, Southern District of New York, Criminal Division; May, 1978 through November, 1981.

Assistant District Attorney, Kings County; August, 1974 through May, 1978.

Adjunct Professor, Benjamin Cardozo Law School; having taught courses over the years in Trial Practice, Appellate Advocacy, Judicial Administration and Professional Responsibility courses (1979 through the present) and having served as Faculty Advisor of the Cardozo Law School Moot Court Program from 1978 through 2004. Currently teaching Litigation Ethics (Fall and Spring Semesters) and serving as Executive Director of the annual two week Intensive Trial Advocacy Program ("ITAP") (1984 through the present).

Adjunct Associate Professor, Brooklyn Law School; teaching Professional Responsibility (2005 - to the present [Fall, Spring and Summer Semesters]).

Listed in Martindale-Hubbell's "Bar Register Of Preeminent Lawyers" (2001 to present).

Resume of Michael S. Ross

Listed in "Super Lawyers" - New York 2007 through 2010 Editions - in the fields of Civil Litigation Defense.

Listed in Who's Who In American Law, (1996 to present).

Recipient, "Ethics Practitioner of the Year Award," Institute of Jewish Humanities (2007).

Recipient, "Service to the Society Award" from the Legal Aid Society of the City of New York, 2010 Pro Bono Awards Presentation.

Member, Continuing Legal Education Advisory Board, New York County Lawyers Association (2003 to present).

Member, Ethics Institute Advisory Board, New York County Lawyers' Association (2008 to present).

Member, Committee on Professional Discipline of the New York State Bar Association (1991 through 1994; 1998 to 2004; 2005 to present).

Member, Committee on Professional Discipline of the Association of the Bar of the City of New York, (2000 to Present).

Member, Committee on Professional Discipline, New York County Lawyers Association (1992 to Present).

Member, Task Force On Lawyer Advertising, New York State Bar Association (2005 to 2007).

Member, Special Committee on the Unlawful Practice of Law, New York State Bar Association (2005 to present).

Member, Special Committee on Procedures for Judicial Discipline of the New York State Bar Association (2001 to Present).

Member, Committee on Mass Disaster Response (which addresses, in part, the manner in which lawyers attempt to solicit clients after mass disasters), New York State Bar Association (2000 to present).

Member, New York State Continuing Legal Education Board (Chair, Subcommittee on Pro Bono Credits; Chair, Subcommittee on Internet Issues). Among other things, the Board addresses the accreditation of continuing legal education providers in the State (appointment by the Presiding Justice of the Appellate Division, First Department -- 2000 to 2005 [having served two consecutive terms]).

Resume of Michael S. Ross

Section Liaison of the American Bar Association Criminal Justice Section to the American Bar Association Standing Committee on Ethics and Professional Responsibility (1994-1997).

Member, American Bar Association "Criminal Justice Council" - the twenty member policy making body of the ABA's Criminal Justice Section (1990 through 1993).

Former Chairperson, American Bar Association "Grand Jury Committee" (1988 through 1990); Vice-Chairperson (1987-1988).

Member, American Bar Association Special "Criminal Justice In Crisis Committee" (1988 through 1990).

Member, American Bar Association Special Nine Member "Committee On Criminal Justice In a Free Society" (1987 through 1988).

Member, New York Council of Defense Lawyers (1987 through present); former member of the Board of Directors (1989 through 1992).

Member, New York State Association of Criminal Defense Lawyers; former member of Board of Directors (1987-1989).

Member, New York City Bar Association Subcommittee on "U.S. Sentencing Commission Guidelines" (1986 and 1987).

Member, National Order of the Barristers (elected in 1981).

CourtTV Live Guest On-Air Commentator, on forty-two occasions between 1999 and 2006.

Bloomberg 1130 Radio Live Guest, "The Money Show," discussing how the public can deal with lawyer misconduct, May 15, 2002.

Lecturer, Appellate Division, First Department, Continuing Legal Education Program conducted at monthly swearing-ins of all new attorneys, speaking on the topic of "The Ethical Issues Facing Newly Admitted Attorneys," (1999 to the present).

Instructor at National Institute of Trial Advocacy ("NITA"), National Program in Boulder Colorado (July 2000). Instructor at NITA, Northeast Region held at Hofstra Law School in: 1980; 1981; 1982; 1983; 1984; 1985; 1986; 1987; 1988; 1989; 1990; 1991; 1992; 1993; 1994; 1995; 1996; 1997; 1998; 1999; 2000; 2001; 2002; 2003; 2004; 2005; 2006; 2007; 2008; 2009; and 2010.

Lecturer, "Ethical Issues In Aggressive Litigation," National Institute of Trial Advocacy ("NITA") Northeast Regional Program at Hofstra Law School, August 7, 2010 (and at each of the previous annual programs since 1998).

Resume of Michael S. Ross

Panelist, "Crossing the Line: When Sharp Practice Becomes Unethical," Continuing Legal Education Program sponsored by the Medical Malpractice Committee of the Association of the Bar of the City of New York, April 7, 2011.

Lecturer, "What Every Attorney Must Know About Ethics," and Panelist, "The Deadly Dozen: Twelve of the Most Common Mistakes Lawyers Make When Dealing With Clients," Continuing Legal Education Program sponsored by the Practicing Law Institute, January 3, 2011.

Lecturer, "The Ethics Of Dealing With Possibly Fraudulent Documents," Continuing Legal Education Program sponsored by the New York State Bar Association Elder Law Section, 2010 Fall Section Meeting, White Plains, New York, October 30, 2010.

Lecturer, "What Every Attorney Must Know About Ethics," and Panelist, "The Deadly Dozen: Twelve of the Most Common Mistakes Lawyers Make When Dealing With Clients," Continuing Legal Education Program sponsored by the Practicing Law Institute, October 5, 2010.

Panelist, "Or Else: Blackmail, Extortion, Threats and Damage Control In Negotiations," Continuing Legal Education Program sponsored by the Federal Bar Council, Fall Bar Council Fall Retreat Presentation, Lenox, Massachusetts, October 3, 2010.

Lecturer, "A 2009-2010 Ethics Update," Continuing Legal Education Program sponsored by the New York State Academy of Trial Lawyers," September 24 and September 25, 2010 (New York City and Plainview, New York).

Lecturer, "What Every Attorney Must Know About Ethics," and Panelist, "The Deadly Dozen: Twelve of the Most Common Mistakes Lawyers Make When Dealing With Clients," Continuing Legal Education Program sponsored by the Practicing Law Institute, August 12, 2010.

Lecturer, "New York's New Rules of Professional Responsibility: The First Year's Shake Out," Continuing Legal Education Program sponsored by the Benjamin N. Cardozo School of Law, May 23, 2010.

Panelist, "The Dissection and Treatment of Ponzi Schemes in the Post-Madoff World," Continuing Legal Education Program sponsored by the Federal Bar Council, United States Courthouse, Eastern District Federal Courthouse, Central Islip, New York, May 13, 2010.

Lecturer, "Legal Fees and Disputes," Continuing Legal Education Program sponsored by the New York State Academy of Trial

Resume of Michael S. Ross

Lawyers," March 23, 2010 (Rochester, New York and Buffalo, New York).

Panelist, "Representing Clients in Federal and State Criminal Tax Investigations: Defense Strategies and Prosecution Initiatives Every Attorney Needs to Know," Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, March 11, 2010.

Lecturer, "Legal Fee Disputes: Old Issues, New Rules," Continuing Legal Education Program sponsored by the New York State Academy of Trial Lawyers and the Brooklyn Bar Association," March 10, 2010.

Panelist, "Addressing Bar Admission Issues After Law School Graduation," The New York Bar Admission Process," New York University School of Law, February 1, 2010.

Lecturer, "Legal Fees and Disputes," Continuing Legal Education Program sponsored by the New York State Academy of Trial Lawyers," January 27, 2010 (Syracuse, New York and Albany, New York).

Lecturer, "What Every Attorney Must Know About Ethics," and Panelist, "The Deadly Dozen: Twelve of the Most Common Mistakes Lawyers Make When Dealing With Clients," Continuing Legal Education Program sponsored by the Practicing Law Institute, January 19, 2010.

Lecturer, "Legal Fees and Disputes," Continuing Legal Education Program sponsored by the New York State Academy of Trial Lawyers," December 2, 2009 (Plainview, New York) and December 7, 2009 (New York City).

Panelist, "Decoding The New Rules Of Professional Conduct: The Changes That Matter," Continuing Legal Education Program sponsored by the Federal Bar Council, United States Courthouse, Southern District of New York, Central Islip, New York, December 3, 2009.

Lecturer, "New York's New Ethical Rules Effective April 1, 2009," Continuing Legal Education Program sponsored by the Queens County Bar Association, November 17, 2009.

Lecturer, "The 2009 Ethics Update," Continuing Legal Education Program sponsored jointly by the New York State Academy Of Trial Lawyers and the Brooklyn Bar Association, October 14, 2009.

Panelist, "The Attorney Disciplinary Process in Federal Court," Continuing Legal Education Program sponsored by the American Bar Association Section of Real Property, Trust and Estate Law

Resume of Michael S. Ross

(October 7, 2009).

Lecturer, "Ethics Update - 2008," Continuing Legal Education Program sponsored by the New York State Academy Of Trial Lawyers, October 2, 2009 (New York City) and October 3, 2009 (Smithtown, N.Y.).

Lecturer, "What Every Attorney Must Know About Ethics," and Panelist, "The Deadly Dozen: Twelve of the Most Common Mistakes Lawyers Make When Dealing With Clients," Continuing Legal Education Program sponsored by the Practicing Law Institute, September 21, 2009.

Panelist, "Defending Immigration Removal Proceedings 2009 - Ethical Issues in Removal Proceedings," Continuing Legal Education Program sponsored by the Practicing Law Institute, August 18, 2009.

Lecturer, "What Every Attorney Must Know About Ethics," Continuing Legal Education Program sponsored by the Practicing Law Institute, August 13, 2009.

Panelist, "What Every Attorney Must Know About Ethics," and "The Deadly Dozen: Twelve of the Most Common Mistakes Lawyers Make When Dealing With Clients," Continuing Legal Education Program sponsored by the Practicing Law Institute, August 13, 2009.

Lecturer, "New York's New Ethical Rules Effective April 1, 2009 As They Relate To Criminal Law Practitioners," Continuing Legal Education Program sponsored by the Appellate Division, First Department, Assigned Counsel Plan, May 18, 2009.

Panelist, "Decoding The New Rules Of Professional Conduct: The Changes That Matter," Continuing Legal Education Program sponsored by the Federal Bar Council, Central Islip, New York, May 14, 2009.

Lecturer, "New York's New Ethical Rules Effective April 1, 2009 As They Relate To Assigned Criminal Counsel," Continuing Legal Education Program sponsored by Brooklyn Defender Services, April 28, 2009.

Lecturer, "Ethics for Criminal Defense Attorneys," Criminal Advocacy Institute: Criminal Defense Practice, Continuing Legal Education Program sponsored by the New York County Lawyers Association, April 23, 2009.

Lecturer, "New York's New Ethical Rules Effective April 1, 2009 As They Relate To Assigned Criminal Counsel," Continuing Legal Education Program sponsored by District Council 37 (AFSCME) Municipal Employees Legal Services, New York University School of Law, April 7, 2009.



Resume of Michael S. Ross

Lecturer, "Ethics Update: Need-to-know Information about New York's New Ethical Rules Effective April 1, 2009 As They Relate To Assigned Criminal Counsel," Continuing Legal Education Program sponsored by the New York State Defenders Association, New York University School of Law, February 28, 2009.

Lecturer, "Ethics In Litigation," Bridge The Gap Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, February 27, 2009.

Lecturer, "Ethics Update: New York's New Ethical Rules Effective April 1, 2009," Continuing Legal Education Program sponsored by the Kings County Chapter Of The American Inns of Court, Kings County Supreme Court, February 24, 2009.

Panelist, "Private Conduct: Should It Be Subject To Discipline?" Continuing Legal Education Program sponsored by the New York State Bar Association Committee on Professional Discipline for the State Bar's Annual Meeting, New York City, January 28, 2009.

Lecturer and Panelist, "What Every Attorney Must Know About Ethics," and "The Deadly Dozen: Twelve of the Most Common Mistakes Lawyers Make When Dealing With Clients," Continuing Legal Education Program sponsored by the Practicing Law Institute, January 20, 2009.

Panelist, "Confronting Ethical Issues Arising in Criminal Law Practice - The Search for Truth, Zealous Advocacy v. Zealous Ethics in Criminal Law," Continuing Legal Education Program sponsored by the New York County Lawyers Association, November 19, 2008.

Panelist, "Managing Complex Litigation 2008: Ethical Issues Arising In Settlements," Continuing Legal Education Program sponsored by the Practicing Law Institute, November 11, 2008.

Lecturer, "What Every Attorney Must Know About Ethics," Continuing Legal Education Program sponsored by the Practicing Law Institute, October 7, 2008.

Lecturer, "Conflicts Of Interests: Thinking 'Inside The Box' On Issues Of Informed Consent And Multiple Representation," Continuing Legal Education Program sponsored by the Columbian Lawyers Association, October 7, 2008.

Lecturer, "Ethics Update - 2008," Continuing Legal Education Program sponsored by the New York State Academy Of Trial Lawyers, September 27, 2008 (New York City) and September 28, 2008 (Melville, N.Y.).

Resume of Michael S. Ross

- Lecturer, "Ethical Issues Relating To Judicial Recusal And Conflicts Of Interest In New York State," Continuing Legal Education Program sponsored by the Association Of Justices Of The Supreme Court Of The State Of New York, September 19, 2008 (West Point, New York).
- Lecturer, "What Every Attorney Must Know About Ethics," Continuing Legal Education Program sponsored by the Practicing Law Institute, August 14, 2008.
- Panelist and Moderator, "Ethics In Litigation: A 2008 Update," Continuing Legal Education Program sponsored by the New York State Trial Lawyers' Association, July 30, 2008.
- Lecturer, "Professional Responsibility Fundamentals: Common Ethical Issues In Litigation," Bridge The Gap Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, May 13, 2008.
- Panelist, "Ethical Considerations In Litigation: A 2008 Update," Continuing Legal Education Program sponsored by the Queens County Bar Association, May 7, 2008.
- Lecturer, "Ethical Issues Relating To The Attorney Client Privilege," Continuing Legal Education Program sponsored by the United States Department Of Homeland Security, Office Of The District Counsel, March 13, 2008.
- Panel Moderator and Lecturer, "Ethical Bounds Of Aggressive Litigation - a 2007 Update," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, February 26, 2008.
- Panelist, "Addressing Bar Admission Issues After Law School Graduation," The New York Bar Admission Process," New York University School of Law, February 11, 2008.
- Lecturer, "The Ethics Of Negotiation," Continuing Legal Education Program sponsored by the New York State Bar Association Joint Trial Lawyer/Torts Insurance Law Sections (Annual Meeting Program), January 31, 2008.
- Panelist, "The Ethics Of Witness Preparation," Continuing Legal Education Program sponsored by the New York State Bar Association Commercial and Federal Litigation Section (Annual Meeting Program), January 30, 2008.
- Lecturer, "Conflicts Of Conflicts: 'Thinking Inside The Box' on Issues of Informed Consent and Multiple Representation," Continuing Legal Education Program sponsored by the Appellate Division, First Department, January 28, 2008.

Resume of Michael S. Ross

Panelist, "Should Lawyers Be Constrained By The Truth?" Continuing Legal Education Program sponsored by LawLine, December 21, 2007.

Lecturer, "What Every Attorney Must Know About Ethics," Continuing Legal Education Program sponsored by the Practicing Law Institute, December 12, 2007.

Lecturer, "Ethics Update 2007 - The Changing Face of the Attorney-Client Privilege," Continuing Legal Education Program presented under the auspices of the New York State Office of the Attorney General for members of the New York State Legislature, December 7, 2007.

Panel Moderator, "Prosecution And Defense Ethics In Criminal Cases, A 2007 Update," Continuing Legal Education Program sponsored by Brooklyn Law School, December 1, 2007.

Lecturer, "Ethics for the Criminal Law Practitioner - A 2007 Update," Continuing Legal Education Program Sponsored by the Kings County Criminal Bar Association, November 27, 2007.

Lecturer, "How To Deal With An Ethics Or Grievance Complaint and Ethics Update - 2007," Continuing Legal Education Program Sponsored by the New York City Small Claims Arbitrators' Association, October 23, 2007.

Lecturer, "What Is 'Effective Counsel' In A Criminal Case?" Continuing Legal Education Program sponsored by the Appellate Division, First Department, October 16, 2007.

Panel Moderator and Lecturer, "Critical Issues, Fresh Ideas, Best Practices: The Changing Face Of The Attorney-Client Privilege," Continuing Legal Education Program sponsored by the Corporate Counsel Section of the New York State Bar Association, October 12, 2007.

Lecturer, "Ethical Issues That Arise In Criminal Practice: What Is 'Effective Counsel'?" Continuing Legal Education Program sponsored by the Appellate Division, First Judicial Department and the New York County Lawyer's Association, October 11, 2007.

Lecturer, "Ethics Update - 2007," Continuing Legal Education Program sponsored by the Brooklyn Bar Association, October 10, 2007.

Lecturer, "Ethics Update - 2007," Continuing Legal Education Program sponsored by the New York State Academy Of Trial Lawyers, September 28, 2007 (New York City) and September 29, 2007 (Huntington, N.Y.).

Resume of Michael S. Ross

Lecturer, "Ethics For The Younger Attorneys," Continuing Legal Education Program sponsored by the New York State Trial Lawyers' Association, September 25, 2007.

Lecturer, "Ethics Update - 2007," Continuing Legal Education Program sponsored jointly by the New York State Academy Of Trial Lawyers and the Brooklyn Bar Association, August 20, 2007.

Panelist, "Pressures from the Commission on Judicial Conduct," a Continuing Legal Education Program sponsored by the New York County Lawyers' Association Task Force on Judicial Independence, New York University School of Law, June 14, 2007.

Panelist, "Ethical Considerations In Litigation," Continuing Legal Education Program sponsored by the Queens County Bar Association, May 9, 2007.

Lecturer, "Current Ethics Events: New Attorney Advertising Rules-The Fallout From Hewlett Packard," Continuing Legal Education Program sponsored by the National Employment Lawyers Association, May 4, 2007.

Lecturer, "Ethics Issues In The Zealous Representation Of Mentally Impaired Clients - a Program For Mental Hygiene Legal Services," Continuing Legal Education Program sponsored by the New York State Judicial Institute, April 25, 2007 and May 2, 2007.

Lecturer, "Understanding New York's New Advertising Rules For Attorneys," Continuing Legal Education Program sponsored jointly by the New York State Academy Of Trial Lawyers and the Brooklyn Bar Association, April 11, 2007.

Lecturer, "Ethical Issues Arising In Criminal Practice," Continuing Legal Education Program sponsored by the Appellate Division, First Department, March 28, 2007.

LawLine.Com televised program, entitled: "The Judicial Disciplinary Process," (appeared with Robert Tembeckjian, Chief Counsel of the New York State Commission on Judicial Conduct), March 28, 2007.

Lecturer, "Defense Ethics In Criminal Cases," Continuing Legal Education Program sponsored by Brooklyn Defender Services, March 27, 2007.

Panelist, "Understanding the Boundaries & Effectively Representing Your Client," Bridge The Gap Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, March 12, 2007.

Resume of Michael S. Ross

Panelist, "As Much Dirt As Possible: The Corporate Mole, The Lawyer, And The Consequences," 2007 Mid-Year Meeting, Association of Professional Responsibility Lawyers, February 9, 2007, Miami, Florida.

Panelist, "Addressing Bar Admission Issues After Law School Graduation," N.Y.U. Law School, February 7, 2007.

Lecturer, New York Judicial State Institute, "Criminal Ethics Issues Update (2007)," Continuing Legal Education Program for court attorneys, January 8, 2007 and January 11, 2007.

Panelist, "Ethics For Criminal Defense Lawyers (2007)," Continuing Legal Education Program sponsored by the New York Criminal Bar Association and the Legal Aid Society, January 8, 2007.

Panel Chair and Lecturer, "Ethics for Litigators: Real Problems of Everyday Practice," Continuing Legal Education Program sponsored by the Practicing Law Institute, December 18, 2006.

Panelist, "Ethics And New York's No-Contact Rule," Continuing Legal Education Program sponsored by the Practicing Law Institute, December 18, 2006.

Lecturer, "Ethics In Litigation," Practicing Law Institute Continuing Legal Education Bridge The Gap Program, December 13, 2006.

Lecturer, "Defense Ethics In Criminal Cases," Continuing Legal Education Program sponsored by Brooklyn Defender Services, December 12, 2006.

Panelist, "Ethics For Real Estate Lawyers," Continuing Legal Education Program sponsored by the New York State Bar Association, December 6, 2006.

Panel Moderator, "Prosecution And Defense Ethics In Criminal Cases," Developments In Criminal Law, Criminal Procedure And Evidence Continuing Legal Education Program sponsored by Brooklyn Law School, December 2, 2006.

Lecturer, New York Judicial State Institute, "Ethics Issues Relating To Judicial Recusal In New York State," Continuing Legal Education Program for court attorneys from civil, criminal and family courts throughout New York State; September 27, 2006 [Rochester, N.Y.].

Lecturer, "The Attorney-Client Privilege In The Litigation Process," Continuing Legal Education Program sponsored by Fordham University School of Law, November 28, 2006.

Panelist, "Everyday Ethical Challenges In The Practice Of Law,"

Resume of Michael S. Ross

Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, November 21, 2006.

Panelist, "Ethics Issues Relating To Judicial Recusal In New York State," 19<sup>th</sup> Annual Appellate Term, First and Second Judicial Departments, Judicial Educational Seminar, Continuing Legal Education Program sponsored by the New York State Judicial Institute, November 20, 2006.

Lecturer, "Ethical Considerations In Matrimonial Litigation," Continuing Legal Education Program sponsored by the New York Family Law, American Inn of Court, Nassau County Bar Association, November 15, 2006.

Panelist, "Ethical Pitfalls in Medical Malpractice Litigation," Continuing Legal Education Program sponsored by the the Medical Malpractice Committee of the Association of the Bar of the City of New York, September 20, 2006.

Panel Moderator and Lecturer, "Critical Issues, Fresh Ideas, Best Practices: Second Corporate Counsel Institute," Continuing Legal Education Program sponsored by the Corporate Counsel Section of the New York State Bar Association, October 13, 2006.

Lecturer, "Blueprint For Building Your Own Practice 2006: Ethical Considerations For The Single Practitioner"; Continuing Legal Education Program sponsored by the New York County Lawyers' Association, October 13, 2006.

Panelist, "Ethics Update 2006: Recent Decisions," Continuing Legal Education Program sponsored by the Brooklyn Bar Association, October 11, 2006.

Panelist, "Ethical Pitfalls in Medical Malpractice Litigation," Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, September 20, 2006.

Lecturer, "Ethics And Professionalism: What Every Lawyer Must Know About Ethics," Continuing Legal Education Program sponsored by the Practicing Law Institute, August 21, 2006.

Lecturer, Summer College for District Attorneys, "Prosecution Ethics," Continuing Legal Education Program sponsored by the New York State Prosecutor's Training Institute; Syracuse, New York August 16, 2006.

Lecturer, Annual Basic Course for Prosecutors, sponsored by the New York State Division of Criminal Justice Services; lectured on "Practical Aspects of Evidence at Trial"; Syracuse, New York;



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August 16, 2006 (previously delivered this same lecture each year from 1978 on).

Lecturer, "How to Avoid Ethical Problems in Your Day-to-Day Practice," Bridge the Gap 2: A Program for Newly Admitted Attorneys Second-Year Program for Newly Admitted Attorneys, Continuing Legal Education Program sponsored by the New York County Lawyers' Association, August 4, 2006.

Lecturer, "Ethical Challenges In Litigation," Continuing Legal Education Program sponsored by the New York Lawyers' Association American Law Academy, July 24, 2006.

Lecturer, New York State Judicial Institute, Summer Judicial Seminar, "Laying Proper Foundations In Civil Cases," July 19, 2006.

Lecturer, "Ethics Update 2006: Ethics In Advertising," Continuing Legal Education Program sponsored by the New York State Academy Of Trial Lawyers, July 12, 2006, Huntington, New York.

Panelist, "Functions and Procedures of the Grievance Committees," Continuing Legal Education Program sponsored by the Appellate Divisions First and Second Department for their court staff, June 20, 2006.

Program Coordinator, "Prosecutorial Misconduct and the Disciplinary System," National Conference on Professional Responsibility, a Continuing Legal Education Program sponsored by the American Bar Association, Vancouver, British Columbia, June 2, 2006.

Lecturer, "Ethics For New Trial Attorneys," Continuing Legal Education Program sponsored by the New York State Trial Lawyers' Association, May 10, 2006.

Panelist, "Ethics Update 2006: Proposed Changes To The Lawyer Advertising Rules," Continuing Legal Education Program sponsored by the Brooklyn Bar Association, May 3, 2006.

Lecturer, "Second-Year Program for Newly Admitted Attorneys," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, April 28, 2006.

Lecturer, "Ethics for the Criminal Law Practitioner," Continuing Legal Education Program Sponsored by the Kings County Criminal Bar Association, April 25, 2006.

Panel Member, "Watch Out! Ethical Perils and Pitfalls Facing Small Firm Practitioners," Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, April 5, 2006.



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Lecturer, "The Disciplinary Process from Respondent's Point of View," Continuing Legal Education Program sponsored by The Departmental Disciplinary Committee For The First Department, Committee Member Orientation Program, March 31, 2006.

Panel Moderator, "The Disciplinary Process: How It Works," Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, March 16, 2006.

Panel Moderator and Lecturer, "Ethical Bounds Of Aggressive Litigation," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, March 15, 2006.

Lecturer, "Ethics In Litigation: A 2006 Update," Continuing Legal Education Program sponsored by Fordham University School of Law, March 15, 2006.

Panel Member, "Lawyers in the Dock: When Does Good Lawyering Become Criminal Conduct?" Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, February 16, 2006.

Lecturer, "Ethical Issues Arising In Criminal Practice," New York County Lawyer's Association Twenty-Eighth Annual Criminal Trial Advocacy Institute, Continuing Legal Education Program, First Department, January 26, 2006.

Panel Chair and Lecturer, "Ethics for Litigators: Real Problems of Everyday Practice," Continuing Legal Education Program sponsored by the Practicing Law Institute, December 21, 2005.

Lecturer, "The Attorney-Client Privilege In the Litigation Process," Continuing Legal Education Program sponsored by Fordham University School of Law, November 15, 2005.

Lecturer, New York State Institute, "Ethics Update," Continuing Legal Education Program for court attorneys from civil, criminal and family courts throughout New York State; September 28, 2005 [Rochester, N.Y.]; November 1, 2005 [Saratoga, N.Y.]; January 10, 2006 [White Plains, N.Y.]; March 7, 2006 [Uniondale, N.Y.]; and April 4, 2006 [Uniondale, N.Y.].

Lecturer, "Emerging Issues In Attorney Ethics: A Judicial Perspective," Legal Education Program sponsored by the Appellate Division, First Department, for Appellate Court Attorneys, November 15, 2005.

Lecturer, "The Attorney-Client Privilege In The Litigation Process," Continuing Legal Education Program sponsored by Fordham University School of Law, November 15, 2005.

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Lecturer, "Professional Ethics - Recent Litigation Developments," Continuing Legal Education Program sponsored by the Columbian Lawyers' Association, November 9, 2005.

Lecturer, "Ethical Issues Arising In Criminal Practice," Continuing Legal Education Program sponsored by the Appellate Division, First Department, October 24, 2005.

Panel Moderator and Lecturer, "Critical Issues, Fresh Ideas, Best Practices: First Corporate Counsel Institute," Continuing Legal Education Program sponsored by the Corporate Counsel Section of the New York State Bar Association, September 23, 2005.

Panelist, "Ethics Roundtable 2005," Continuing Legal Education Program sponsored by the New York State Trial Lawyers Institute, September 16, 2005.

Panel Moderator and Lecturer, "Emerging Issues in Litigation Ethics," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, September 14, 2005.

Lecturer, "How to Avoid Pitfalls in Your Day-to-Day Practice," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, August 12, 2005.

Panelist, "Ethics for Law Firm Practitioners: Managing Attorney Trust Accounts and Attorney Trust Accounts and Law Office Recordkeeping," Continuing Legal Education Program sponsored by the Practicing Law Institute, August 10, 2005.

Lecturer, "Ethical Challenges In Litigation," Continuing Legal Education Program sponsored by the New York Lawyers' Association American Law Academy, July 25, 2005.

Lecturer, "The Corporate Counsel Forum - Managing The Attorney-Client Relationship In The Corporate Counsel Setting," Continuing Legal Education Program sponsored by American Lawyer Media (May 12-15, 2005).

Lecturer, "What To Do When The Commission On Judicial Conduct Comes Calling," Continuing Legal Education Program sponsored by the Association of Judges of Hispanic Heritage, May 10, 2005.

Panel Moderator and Lecturer, "Emerging Ethical Issues For The Corporate Lawyer," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, May 5, 2005.

Lecturer, "Ethical Pitfalls In Criminal Defense," Continuing Legal Education Program sponsored by the New York State Association of Criminal Defense Lawyers, April 22, 2005.

Resume of Michael S. Ross

Lecturer, "Bridge the Gap 2: A Second Year Ethics Program for Newly Admitted Attorneys," Continuing Legal Education Program sponsored by the Practicing Law Institute, April 29, 2005.

Lecturer, "Ethics In Litigation: A 2005 Update," Continuing Legal Education Program sponsored by Fordham University School of Law, April 21, 2005.

Lecturer, "Ethics Update 2005," Continuing Legal Education Program Sponsored by the Brooklyn Bar Association, April 13, 2005.

Lecturer, "The Ethical Limits Of Zealous Representation - A View From Corporation Counsel's Office," In House Continuing Legal Education Program conducted by the Corporation Counsel of the City New York, March 21, 2005.

Panelist, "Lynn Stewart: The Verdict And Its Implications," Brooklyn Law School, February 17, 2005.

Lecturer, "Ethical Dilemmas For the Civil and Criminal Litigator: A 2005 Practical Review," Continuing Legal Education Program sponsored by the Appellate Division, First Department, February 7, 2005.

Panelist, "Current Issues In Professional Discipline - 'A Lawyer's Conundrum' - What To Do With Inadvertently Disclosed Information?" Continuing Legal Education Program sponsored by the Committee On Professional Discipline, 128<sup>th</sup> Annual Meeting of the New York State Bar Association, January 26, 2005.

Panelist, "General Ethics Pitfalls In Litigation," Continuing Legal Education Program sponsored by the Committee On Landlord Tenant Proceedings, 128<sup>th</sup> Annual Meeting of the New York State Bar Association, January 27, 2005.

Panel Moderator, "Prosecutorial Misconduct and the Disciplinary System," Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, January 19, 2005.

Lecturer and Panel Moderator, "Ethical Bounds of Aggressive Litigation - A Year 2004 Update," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, January 12, 2005.

Lecturer, at In-House continuing legal education program for the Wilens & Baker lawfirm, and addressed the issue of "Litigation Ethics," November 23, 2004.

Lecturer, "The Role Of Defense Counsel," United States Department of Justice Training Program For Dutch Counsel, N.Y.U. Law School, November 17, 2004.

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Lecturer, "Ethics In Litigation: A 2004 Update," Continuing Legal Education Program sponsored by Fordham University School of Law, November 16, 2004.

Lecturer and Panel Moderator, "Designing Ethics Programs: What Is Ethics And Professionalism? How Do You Weave It Seamlessly Into A Substantive Program?" Accredited Provider Conference, sponsored by the New York State Continuing Legal Education Board, New York State Judicial Institute, White Plains, New York, November 4, 2004.

Lecturer, "Litigation Ethics: A 2004 Practical Review," Continuing Legal Education Program sponsored by the New York State Academy of Trial Lawyers, October 30, 2004 (Long Island) and October 16, 2004 (New York City).

Panel Moderator and Lecturer, "Emerging Ethical Trends For Corporate Counsel - A Year 2004 Update," Continuing Legal Education Program sponsored by the Corporate Counsel Section of the New York State Bar Association, October 29, 2004.

Lecturer, "Blueprint For Building Your Practice - Ethical Issues," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, October 22, 2004.

Lecturer, "Professional Ethics: A 2004 Practical Review," Continuing Legal Education Program sponsored by the Appellate Division, First Department, October 19, 2004.

Lecturer, "Recent Developments In Litigation Ethics: A 2004 Update," Continuing Legal Education Program Sponsored by the New York City Small Claims Arbitrators' Association, October 7, 2004.

Panel Moderator and Lecturer, "Ethics For Corporate Counsel - A Year 2004 Update," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, September 22, 2004.

Panelist, "Everyday Ethical Challenges in the Practice of Law," Continuing Legal Education Program sponsored by the Association of the Bar of the City of New York, September 20, 2004.

Panelist, "Ethics In Litigation," Continuing Legal Education in-house program at the U.S. Commodity Futures Trading Commission, New York City Office, July 29, 2004.

Lecturer and Panel Moderator, "Emerging Issues In Litigation Ethics," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, July 22, 2004.

Resume of Michael S. Ross

Panelist, "What is Fraud and Why Does It Matter?," 2004 National Conference on Professional Responsibility, Plenary Session, June 4, 2004, Naples, Florida.

Panelist, "Confidentiality and Current, Former, Prospective Clients: It's Not Just About Crowded Elevators Any More," 2004 National Conference on Professional Responsibility, June 4, 2004, Naples, Florida.

Lecturer, "What Every New Attorney Must Know About Ethics," Practicing Law Institute Continuing Legal Education Bridge The Gap Programs; May 26, 2004 (and previous dates, including August 23, 2000; January 2, 2001; May 29, 2001; July 25, 2001; July 25, 2001; August 22, 2001; October 8, 2001; November 30, 2001; January 2, 2002; April 10, 2002; August 29, 2002; November 25, 2002; May 27, 2003; and November 24, 2003).

Lecturer, "Protecting The Record: The Respondent's Point Of View," Continuing Legal Education Program sponsored by The Departmental Disciplinary Committee For The First Department (Refresher Course for Referees), April 29, 2004.

Chair and Panel Moderator, "Bridge The Gap 2: How To Avoid Ethical Pitfalls In Your Day-to-Day Practice," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, April 16, 2004.

Lecturer, "Confronting Possible Client Fraud: Is 'Don't Ask, Don't Tell' An Ethically Acceptable Approach," Continuing Legal Education Program Sponsored by the Brooklyn Bar Association, April 14, 2004.

Lecturer, "Recent Developments In Criminal Litigation Ethics And Fee Regulations," Continuing Legal Education Program Sponsored by the Kings County Criminal Bar Association, April 1, 2004.

Lecturer, "Addressing Client Fraud: The Permissible Bounds Of Advocacy," Continuing Legal Education Program sponsored by the United States Department Of Homeland Security, Office Of The District Counsel, (two part presentation) March 24 and April 27, 2004.

Lecturer, "Competency of Government Attorneys In The Face Of Excessive Caseloads: The Individual Attorney's Duties," Continuing Legal Education Program sponsored by the United States Department Of Homeland Security, Office Of The District Counsel, February 24, 2004.

Lecturer, 27<sup>th</sup> Annual Criminal Trial Advocacy Institute, sponsored by the Appellate Division, First Department and the New York County Lawyers' Association; "Practical Aspects of Evidence at Criminal Trials"; February 21, 2004 (previously delivered this

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same lecture on a yearly basis from 1982 on).

Lecturer, "Recent Developments In Litigation Ethics," Continuing Legal Education Program Sponsored by the New York City Small Claims Arbitrators' Association, February 18, 2004.

Lecturer and Panel Moderator, "Ethical Bounds of Aggressive Litigation -- A Year 2002 Update," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, January 21, 2004.

Lecturer, "Recent Developments In Criminal Litigation Ethics And Fee Regulations," Continuing Legal Education Program sponsored by the Appellate Division, First Department, Office Of Special Projects, December 15, 2003.

Lecturer, Seventeenth Annual Appellate Terms' Education Seminar, speaking on "Ethics 2003 Primer: Ethical Highlights - The Year In Review and A Contemporary Overview of the Limits To Aggressive Litigation," St. John's University School of Law, December 1, 2003 (and previously delivered annual updates at the Appellate Term's annual conferences on November 20, 2002, January 8, 2002 and November 29, 2000).

Lecturer, "Litigation Pitfalls for the New Practitioner," Continuing Legal Education Program sponsored by the New York University School of Continuing And Professional Studies, November 22, 2003.

Lecturer, "Ethics Update 2003: Significant Decisions And Impending Changes," Continuing Legal Education Program Sponsored by the Brooklyn Bar Association, November 12, 2003.

Lecturer, "Professional Ethics -- Recent Litigation Developments," Continuing Legal Education Program sponsored by the Columbian Lawyers' Association, November 5, 2003.

Lecturer, "Ethics For Corporate Counsel - A Year 2003 Update," Continuing Legal Education Program sponsored by the Corporate Counsel Section of the New York State Bar Association, October 27, 2003.

Lecturer and Program Moderator, "Ethics For The Transactional Lawyer," Continuing Legal Education Program sponsored by the New York County Lawyer's Association, September 17, 2003.

Panel Moderator, "Ethics For The Entertainment Lawyer," Continuing Legal Education Program Sponsored by the Association of the Bar of the City of New York, June 11, 2003.

Lecturer, "Legal Ethics In Corporate Transactions," Bridge the Gap Continuing Legal Education Program Sponsored by the



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Association of the Bar of the City of New York, May 28, 2003.

Lecturer, "Ethics For Corporate Counsel - A Year 2003 Update," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, April 23, 2003.

Lecturer, "Conflicts Of Interests In The Immigration Context: Issues For Government Attorneys," Continuing Legal Education Program sponsored by the United States Department Of Homeland Security, Office Of The District Counsel, April 22, 2003.

Lecturer, "Emerging Issues In The Field Of Conflicts Of Interests For The Criminal Practitioner," Continuing Legal Education Program Sponsored by the Brooklyn Criminal Bar Association, February 27, 2003.

Panelist, "Ethics For The Busy Lawyer: Avoiding Ethical Dilemmas In Your Law Practice," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, February 26, 2003.

Lecturer, "The Duty of Zealous Advocacy And Its Limits: Basics For Newly Admitted Attorneys," Continuing Legal Education Program sponsored by Fordham University School of Law, February 25, 2003.

Lecturer, at In-House Continuing Legal Education program for Freshfields Bruckhaus Deringer, LLP, entitled: "Ethics For The Transactional Lawyer - A Year 2003 Update," January 23, 2003.

Lecturer, "Recent Developments In The Field Of Attorney Candor In Litigation," Continuing Legal Education Program sponsored by the United States Department Of Homeland Security, Office Of The District Counsel, January 28, 2003.

Lecturer, "The Attorney-Client Privilege: Is It Alive And Well?" Continuing Legal Education Program sponsored by the Appellate Division, First Department, Office Of Special Projects, December 9, 2002.

Panelist, "Clarence Darrow: Crimes, Causes and the Courtroom," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, October 26, 2002.

Lecturer, "Ethics For Corporate Counsel - A Year 2002 Update," Continuing Legal Education Program sponsored by the Corporate Counsel Section of the New York State Bar Association, October 25, 2002.

Panelist, Ethics Panel following the dramatic presentation entitled "Impeach Justice Douglas!" Continuing Legal Education Program



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sponsored by the New York County Lawyers' Association, October 25, 2002.

Lecturer, "Ethical Considerations in Aggressive Trial Lawyering," Continuing Legal Education Program sponsored by Law Journal Seminars/American Lawyers Media, entitled Litigation Summit, The New York Hilton Hotel, October 15, 2002.

Lecturer, "Emerging Issues In The Field Of Conflicts," Continuing Legal Education Program Sponsored by the Brooklyn Bar Association, October 9, 2002.

Lecturer and Panel Moderator, "Ethical Bounds of Aggressive Litigation - A Year 2002 Update," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, September 18, 2002.

Lecturer, "Bridge The Gap II" Ethics Program, Practicing Law Institute, August 18, 2003 (and multiple other dates).

Lecturer and Panel Moderator, "Emerging Challenges In Ethical Issues For The Corporate Lawyer," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, June 26, 2002.

Speaker, "New York State Judicial Institute On Professionalism In The Law: Summit on the Internet and the Practice of Law: Charting a Course for the Twenty-First Century," speaking on the issues of "On-Line Attorney Referral Service: Partnering With Non-Attorneys and Fee-Splitting Among Attorneys," Fordham Law School, June 18, 2002.

Lecturer, "An Ethical Perspective for General Counsel," Continuing Legal Education Program sponsored by Law Journal Seminars/American Lawyers Media, entitled General Counsel Conference, The St. Regis Hotel, June 15, 2004 (previously spoke at the same program in June 2001 and June 2003).

Lecturer, "Recent Developments in Criminal Litigation Ethics," Continuing Legal Education Program sponsored by the Appellate Division, First Department and the Criminal Justice Coordinator's Office, April 22, 2002.

Lecturer, "Ethical Conduct In The Workplace," Practicing Law Institute Program entitled "The Law Library 2002," April 10, 2002.

Lecturer, "Civility and Professionalism," Continuing Legal Education Program sponsored by the Brooklyn Bar Association, April 10, 2002.

Panelist, "The Disciplinary Process: How It Works," Continuing

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Legal Education Program sponsored by the Committee on Professional Discipline of the Association of the Bar of the City of New York, April 9, 2002.

Panelist, "Ethics - When Your Case Is On The Line," Continuing Legal Education Program sponsored by the New York County Lawyers' Association "American Inn of Court" Program, April 4, 2002.

Lecturer and Panel Moderator, "Ethical Bounds Of Aggressive Litigation -- An Update on Developments," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, April 3, 2002.

Panelist, "An Ethics Roundtable For 2002," Continuing Legal Education Program sponsored by the New York State Trial Lawyers Institute, March 22, 2002 (previously served as panelist for this program in March 2001).

Panelist, "Clarence Darrow: Crimes, Causes and the Courtroom," Continuing Legal Education Program sponsored by the New York County Lawyers' Association, March 18, 2002.

Lecturer, "Ethics and the Criminal Law Practitioner - Avoiding Ethical Pitfalls," Continuing Legal Education Program sponsored by the New York State Defenders Association, March 16, 2002.

Lecturer, "Avoiding Ethical Pitfalls: Basics for the New Practitioner," Continuing Legal Education Program sponsored by Fordham University School of Law, March 13, 2002.

Lecturer, at ten In-House continuing legal education programs for Kaye Scholer LLP, entitled: "Ethics In Aggressive Litigation"; "Ethics In Complex Litigation"; "Ethics In Transactional Lawyering"; "Ethical Issues In Aggressive Discovery"; and "Ethical Issues In Aggressive Lawyering" (November 2006; December 2006; March 2003; February 2003; December 2000; May 2001; January 2002).

Lecturer, "Ethics and the Criminal Practitioner," Continuing Legal Education Program sponsored by the Criminal Law Section and the Committee on Continuing Legal Education of the New York State Bar Association, November 16, 2001.

Lecturer, "Ethics For Corporate Counsel," Continuing Legal Education Program sponsored by the Corporate Counsel Section of the New York State Bar Association, October 25, 2001.

Lecturer and Panel Moderator, "Bridge The Gap Ethics: What Every Practicing Lawyer Must Know," Continuing Legal Education Program sponsored by the Association of the Bar of the City of

Resume of Michael S. Ross

New York, October 22, 2001.

Lecturer, "Ethics For Lawyers In The 21st Century: Ethics And The Internet," Continuing Legal Education Program sponsored by the New York University School of Continuing And Professional Studies, October 6, 2001.

Lecturer, "How [Not] To Commit Malpractice With Your Computer," Continuing Legal Education Program at "LegalTech," sponsored by Law Journal Seminars/American Lawyers Media, the ABA Law Practice Management Section and other entities; New York Hilton (September 25, 2001).

Lecturer, "Emerging Ethical Issues In Aggressive Litigation," Continuing Legal Education Program sponsored by the Suffolk County Bar Association, September 22, 2001.

Lecturer and Program Moderator, "Ethics For The Transactional Lawyer," Continuing Legal Education Program sponsored by the New York County Lawyer's Association, November 7, 2001.

Lecturer, "Emerging Ethical Issues In Litigation," Continuing Legal Education Program sponsored by the New York City Law Department, September 5, 2001.

Lecturer, "Avoiding Ethical Pitfalls," New York County Lawyers' Association "Bridge The Gap Program: A Program For Newly Admitted Attorneys," August 10, 2001.

Lecturer, "Avoiding Ethical Pitfalls," Association of the Bar of the City of New York "Bridge The Gap Program," June 14, 2001.

Lecturer, "Aggressive Lawyering," Continuing Legal Education Program sponsored by the Brooklyn Bar Association, April 11, 2001.

LawLine.Com televised program, entitled: "The Disciplinary Committee," (appeared with Thomas Cahill, Chief Counsel of the Departmental Disciplinary Committee for the First Judicial Department), April 8, 2001.

Lecturer, "Ethics In Litigation: Aggressive Litigation Tactics," Continuing Legal Education Program sponsored by the Appellate Division, First Department and the Criminal Justice Coordinator's Office, April 2, 2001.

Lecturer, "Ethics and Professionalism," Continuing Legal Education Program sponsored by Law Journal Seminars/American Lawyers Media, entitled Civil Litigation - A View From The Bench And The Bar, The New York Hilton, March 23, 2001.

Lecturer, "Protecting The Record: The Respondent's Point Of View,"

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Internal Training Course For Referees Of The Departmental Disciplinary Committee For The First Department, March 15, 2001.

Lecturer, "Limits to Aggressive Litigation," Continuing Legal Education Program sponsored by the General Practice, Solo and Small Firm Section, New York State Bar Association Annual Meeting, January 24, 2001.

Lecturer, "Avoiding Ethical Pitfalls," New York County Lawyers' Association "Bridge The Gap Program," December 1, 2000.

Panelist, Symposium entitled "The Cooperating Witness Conundrum: Is Justice Obtainable?" held at the Benjamin N. Cardozo School of Law, addressing the issue of "Proposal for Change - Internal and External Disciplinary Systems," November 30, 2000.

Lecturer, "Recurring Ethical Issues Facing Attorneys During Their Careers," Orientation Program For Candidates For Admission To The Bar, sponsored by the Office of the Committee on Character and Fitness, Appellate Division, First Department, October 24, 2000; November 14, 2000; December 5, 2000; January 9, 2001; and March 27, 2001.

Lecturer, "Ethics and the Internet," Continuing Legal Education Program sponsored by the Brooklyn Bar Association, November 8, 2000.

Panelist, "Ethics In Litigation," speaking on the topics of "Is Deceit Acceptable In The Litigation Process," and, "Offering Questionable Testimony And Documents," Continuing Legal Education Program sponsored by the Appellate Division, First Department, October 16, 2000.

Lecturer, "Ethics In Aggressive Litigation: The Rules of Engagement," sponsored by Law Journal Seminars/American Lawyers Media, New York Hilton Hotel, October 5, 2000.

Panelist, "Ethical Considerations in Public Sector Law," American Bar Association Annual Convention For Year 2000, sponsored by the A.B.A.'s Government & Public Sector Lawyer Division, July 7, 2000, Warwick Hotel, New York City.

Panelist, "Ethical Problems Facing Prosecutors," American Bar Association Annual Convention For Year 2000, sponsored by the A.B.A.'s Criminal Justice Section, July 7, 2000, New York Hilton Hotel, New York City.

Panelist, "Ethical Issues On The Internet," Meeting Of The New York State Association Of Disciplinary Attorneys," May 18, 2000.

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Lecturer, "The Internet Effect On Ethical Obligations Of The Law Firm To Its Clients: Confidentiality And The Internet," sponsored by Law Journal Seminars/American Lawyers Media, New York Hilton & Towers, May 16, 2000.

Lecturer, "The Internet Effect On Ethical And Managerial Functions That Effect Law Firms Internally," sponsored by Law Journal Seminars/American Lawyers Media, New York Hilton & Towers, May 9, 2000.

Program Chair, "Civil Trial Practice: Firefighths In The New Millennium," Continuing Legal Education Program sponsored by Law Journal Seminars/American Lawyers Media; also lecturing at that program on the subject of Ethical Considerations in Trial Lawyering and on the issue of Effective Motions In Limine; The New York Hilton & Towers, May 1 and May 2, 2000.

Lecturer, "The Respondent's Perspective On The Disciplinary Process In The First Department," Internal Training Course For Referees And Panel Members Of The Departmental Disciplinary Committee For The First Department, April 11, 2000.

Panelist, "Basic Legal Ethics Program," speaking on the topic of "Avoiding Ethical Pitfalls In The Area Of Legal Fees," Continuing Legal Education Program sponsored by the Appellate Division, First Department, March 27, 2000.

Lecturer, "Ethics and Professionalism," Continuing Legal Education Program sponsored by Law Journal Seminars/American Lawyers Media, entitled Civil Litigation - A View From The Bench And The Bar, The New York Hilton & Towers, March 21, 2000.

Lecturer, "Understanding The Ethics Terrain," Practicing Law Institute Continuing Legal Education Bridge The Gap Program, February 21, 2000.

Lecturer, "How Not To Commit Malpractice With Your Computer," Continuing Legal Education Program at "LegalTech-ABA Small Firm Track series," sponsored by Law Journal Seminars/American Lawyers Media, New York Hilton & Towers, January 25, 2000.

Lecturer, "Avoiding Ethical Pitfalls," Marino Institute for Continuing Legal Education Program sponsored by the New York Criminal & Civil Courts Bar Association, December 7, 1999.

Lecturer and Demonstration, "Summations," Hofstra Law School Advanced Trial Seminar, December 2, 1999.

Lecturer, "Ethical Challenges For The Experienced Lawyer," Legal Education Program sponsored by St. John's University Law School, October 14, 1999.

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Lecturer, "Avoiding Ethical Pitfalls Facing Experienced Practitioners," Continuing Legal Education Program sponsored by Law Journal Seminars/American Lawyers Media, New York Hilton, May 11, 1999 and October 4, 1999.

Lecturer, St. John's Law School, Continuing Legal Education Program on the "Client Fraud Exception To The Attorney-Client Privilege," April, 1999.

Panelist, 1998 New York State Bar Association Annual Meeting, Panel sponsored by the Committee on Professional Discipline, "New Rules Governing Lawyers," (January 29, 1998).

Panelist, Association of Professional Responsibility Lawyers, American Bar Association 1996-1997 Houston, Texas Mid-Year Meeting, "Constitutional and Ethical Implications of Using Law Firm Personnel as Confidential Informants in Disciplinary Investigations," (January, 1997).

Panelist, Pace University School of Law, Center for Continuing Education, "Pitfalls In Client Billing In The 1990's," (March, 1997) (sponsored by the Westchester County Women's Bar Association).

Panelist, along with New York Court of Appeals Chief Judge Judith Kaye, at New York Press Club Foundation "Fourth Annual Conference on Journalism," Program on "The Impact of Television in the Courtroom," Columbia University (November 1996).

Lecturer, Brooklyn Bar Association Continuing Legal Education Program; "Pre-trial Hearings and Motions--The Wade Hearing" (1995).

Instructor, Legal Aid Society Criminal Defense Division Trial Advocacy Program; 1986 through 1994.

Lecturer, Criminal Trial Advocacy In the Federal Courts Course, sponsored by the United States District Court, Eastern District of New York and the Brooklyn Bar Association; "Federal Sentencing Guidelines"; November, 1993.

Symposium moderator at Program entitled: "Should The Exclusionary Rule Be Scrapped?"; New York City Association (October 1996).

Symposium moderator at Program entitled: "Are Prosecutors Really Subject To The Traditional Enforcement Of Ethical Rules?"; New York City Bar Association, June, 1994.

Lecturer at New York State Association of Criminal Defense Lawyers Program Entitled: "Cross-Examination To Kill" - The Cross-Examination Of A Fingerprint Expert - June 1994.



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Panelist, at U.S. Department of Justice First Annual Conference of Professional Responsibility Officers, Washington, D.C., "Private Bar Perspective" (October, 1994).

Symposium moderator at Program entitled: "Confronting Client Fraud in 1990's: Disasters in the Making"; New York County Lawyers' Association (June, 1993).

Instructor at U.S. Attorney General's Advocacy Institute, Advanced Advocacy Courses, on the topic of "The Ethics of Defending and Prosecuting Cases"; 1989-1990.

Panelist, Benjamin N. Cardozo School of Law Forum entitled: "The Pregnancy Police: Prosecution of Maternal Substance Abuse" (April 1992).

Lecturer, Cornell Law School Seminar on "Abuses In The Government's Application Of The RICO Statute" (April 1992).

Panelist, New York School Symposium entitled, "The United States Supreme Court In The 1990's" (February 1992).

Panelist, WNYC Radio Program on the topic of "Grand Jury Abuse," (January 13, 1993).

Lecturer, New York State Bar Association Continuing Legal Education Program on "Evidence and the Trial of a Criminal Case" (New York City, Albany, Tarrytown and Rochester, 1991).

Moderator, New York Council of Defense Lawyers Sentencing Program - "Advocacy With the Prosecutor" (October, 1991).

Lecturer, New York County Lawyers' Association Forum on "Forfeiture Laws: An Overview For the Federal and State Practitioner" (January 1991).

Lecturer, Criminal Trial Advocacy in the Federal Courts Program, sponsored by the United States District Court for the Eastern District of New York and the Appellate Division, Second Department: "Plea Bargaining and Cooperation Under the New Sentencing Guidelines" (November 1990).

Sponsored Association of the Bar of the City of New York Public Forum entitled: "When Criminal Advocates Talk To The Press: On And Off The Record After Gentile" (April 1992).

Chaired Association of the Bar of the City of New York public forum entitled: "Are Federal Prosecutors Exempt From Professional Rules of Ethics?" (March 1991).

Panelist, American Bar Association Program Entitled: "Blasting Into the 90's: Hot Issues In Criminal Law Practice -- The

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Grand Jury Witnesses of the 90's . . . " November, 1990  
(Washington, D.C.).

Lecturer, American Law Institute's Seminar on "The Federal  
Sentencing Guidelines," Washington, D.C. (April, 1989).

Lecturer, Federal Bar Association (Philadelphia Chapter), Criminal  
Law Committee Seminar on "Federal Sentencing Guidelines,"  
Philadelphia, Pa. (June, 1989).

Lecturer, Federal Courts Committee, Brooklyn Bar Association on  
"How To Practice Law and Not Lose Your Fees" (January, 1990).

Lecturer, Criminal Law and Procedure Course, sponsored by the  
Appellate Division, Second Department and the Brooklyn Bar  
Association; 1984; 1986; and 1988.

Guest lecturer since 1981 at special programs and classes at  
various law schools, including Cornell Law School, Brooklyn  
Law School, St. John's Law School, New York Law School,  
Hofstra Law School and John Jay College of Criminal Justice,  
speaking on criminal law and ethics issues.

Appeared in half-hour interview on CSPAN, on the topic of Grand  
Juries - their operations and possible abuses (Washington,  
D.C.; February 26, 1998).

Participant in nationally syndicated program, "American Journal,"  
in mock jury selection for O.J. Simpson trial; September,  
1994.

Panelist in the nationally broadcast CBS program "Nightwatch," and  
discussed the government's attempts to compel attorneys to  
disclose information concerning their clients; February 1990.

Participant in the Legal Aid Society's Consulting Colleague Program  
(the "Mentor Program"); 1989-1990.

Testified before Congress' Federal Courts Study Committee on Long  
Range Planning For the Federal Judiciary; January, 1990.

Testified before the New York State Senate and Assembly Committee  
on Codes, Joint Legislative Hearings, in connection with  
"Forfeiture Under New York State Law: A Five Year  
Assessment"; August, 1989.

Testified before the New York State Law Enforcement Council in  
connection with proposed amendments to New York State's  
forfeiture laws; February, 1989.

Testified as expert witness before the House of Representatives,  
Committee on the Judiciary, on behalf of National Association



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of Criminal Defense Attorneys in connection with amendments to Federal law governing grand jury practice; June, 1987.

Lecturer at New York Women's Bar Association, Litigation Skills Committee meeting on "Appellate Practice"; November, 1987.

Lecturer, National Network For the Right to Counsel's "Conference on Defending the Right to Counsel"; November, 1986.

Panelist, Citizen's Crime Commission of New York City, "The Proposed State RICO Statute"; May, 1986.

Lecturer, Criminal Law Institute, St. John's Law School; "Seeking Forfeiture of Attorney's Fees, A New Weapon For the Assault Upon Organized Crime"; March, 1986.

Lecturer, Nassau Academy of Law White Collar Crime Program; "The Defense of Criminal RICO Cases"; January, 1986.

Lecturer at "in house" training programs since 1978 for various local prosecutors' offices including the Brooklyn District Attorney's Office, the Staten Island District Attorney's Office, etc.

Lecturer, New York County Criminal Bar Association Continuing Education Lecture Series; lectured on "Defense Perspectives on Court Ordered Electronic Surveillance"; February, 1982.

Instructor and lecturer at U.S. Attorney General's Advocacy Institutes on Public Corruption (San Diego, 1979; New Orleans, 1980); Grand Jury Practice (Denver, 1981; Chicago and Washington, D.C., 1982); and Economic Fraud (Atlanta, 1981; Chicago, 1982).

Lecturer, N.Y. State Division of Criminal Justice Services Seminar on Economic Crime; lectured on "Grand Jury Practice and the Search for Documentary Evidence"; March, 1981.

Instructor, N.Y. City Corporation Counsel "Trial Techniques Program"; February, 1981.

Instructor, N.Y. State Attorney General's Training Program; lectured on "The Acquisition of Evidence at the Grand Jury Stage"; January, 1980.

Lecturer, N.Y. State Division of Criminal Justice Services Seminar on Scientific Evidence and Expert Testimony; lectured on "The Utilization of Expert Testimony at Trial"; April, 1980.

Lecturer, N.Y. State Division of Criminal Justice Services Seminar on the Prosecution and Defense of Rape Cases; lectured on "The Acquisition and Use of Physical Evidence At a Rape Trial";

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May, 1979.

Lecturer, N.Y. City Annual Criminal Justice Training Program for Law Students; lectured on "Lineups, Identification Procedures and Electronic Eavesdropping"; 1979 and 1980.

#### PUBLICATIONS

Authored various articles and monographs to accompany the Continuing Legal Education Programs as described above.

Co-authored chapter entitled "Client and Witness Perjury," in the American Bar Association, Section of Litigation, book entitled Litigation Ethics: Course Materials For Continuing Legal Education, (2000).

"How Not To Commit Malpractice With Your Computer," Legal Tech Newsletter, Vol. XVIII, Number 6 (September 2000) and Vol. XVIII, Number 7 (October 2000) (A Two-Part Series) (Published by American Lawyer Media).

"Strategic Moves To Defend White Collar Fees: Is A 'Good' Fee In A White Collar Case Always Really 'Good'," A.B.A. Criminal Justice Magazine, Summer 1999 (Cover Article), Vol. 14, No. 2, pp. 4-et seq.

Authored chapter entitled "Evidentiary Issues and Objections," in New York Criminal Practice (2d ed. 1998), published by the New York State Bar Association.

"Cooperating with Federal Authorities: Operating on the Outer Limits," A.B.A. Criminal Justice Magazine, Summer 1997 (Cover article), Vol. 12, No. 2, pp. 4-et seq.

"Ethics Column: Alternative Forums for Ethics Disputes," A.B.A. Criminal Justice Magazine, Spring 1996, Vol. 11, No. 1, pp. 42-et seq.

"Ethics Column: Defense - A Decade of Litigating Dangerously: Time to Replace Rhetoric with Reason," A.B.A. Criminal Justice Magazine, Fall 1994, Vol. 9, No. 3, pp. 36-et seq. (co-authored with Sheldon Krantz).

Authored various "amicus" briefs on behalf of the American Bar Association's Criminal Justice Section, the Association of the Bar of the City of New York Criminal Advocacy Committee and the New York County Lawyer's Association Committee on Professional Discipline in connection with issues relating to attorney subpoenas, attorney fee forfeiture and attorney discipline issues.

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Authored the original American Bar Association 1988 attorney subpoena resolution and supporting report; and in 1989, authored the original Model Rule of Professional Conduct (i.e., Rule 3.8[f]), adopted in 1990 (later repealed), which required prior judicial approval of prosecutorial subpoenas to attorneys.

Monograph, Practical Evidentiary Problems at Trial; 1978 through 2002 editions of Manual for Basic Course for Prosecutors (published by the New York State Division of Criminal Justice Services).

Monograph, Practical Aspects of Evidence at Trial; 1995 through 2002 editions of New York County Lawyers' Association Continuing Legal Education Manual For Annual Program On Criminal Trial Advocacy.

Article, "The Forfeiture of Attorney Fees in Criminal Cases: A Call For Immediate Remedial Action," The Record of the Association of the Bar of the City of New York, Vol. 41, No. 4, pp. 469525 (May, 1986).

Monograph, Issuance of Subpoenas Upon Lawyers In Criminal Cases: A Defense Attorney's Perspective (March, 1985); published and distributed by the Association of the Bar of the City of New York.

Monograph, Special Considerations in the Utilization of Title III Electronic Surveillance in Official Corruption and Fraud Cases (April 1982); published and distributed nationally by U.S. Attorney General's Advocacy Institute.

Monograph, Constitutional and Statutory Privileges Before Federal Grand Juries (April, 1982); published and distributed nationally by U.S. Attorney General's Advocacy Institute.

Article, "Robbins v. California and the Standards For Searching and Seizing Packages," Search and Seizure Law Report, Vol. 8, No. 9 (September, 1981).

Monographs, New York State Grand Jury Practice and the Search For Documentary Evidence and Multiple Representation at the Grand Jury Stage (February, 1981); published and distributed throughout N.Y. State by N.Y. State Division of Criminal Justice Services.

Monograph, The Utilization of Expert Testimony At Trial (June, 1980); Reprinted in Manual for Basic Course for Prosecutors (N.Y. State Division of Criminal Justice Services).

Monograph, The Constitutional Acquisition Of Evidence From the Defendant and Its Use At Trial (April, 1979); Reprinted in

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Handbook on Scientific Evidence and Expert Testimony (N.Y. State Division of Criminal Justice Services).

Monograph, Evidentiary Aspects Of the Preparation and Trial Of a Rap Case (April, 1979); Reprinted in Sex Offense Manual (N.Y. State Division of Criminal Justice Services).

Monograph, Electronic Surveillance and the Grand Jury, (April, 1978).

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SUPPLEMENTARY BACKGROUND INFORMATION

ADDITIONAL LEGAL EDUCATION

National College of District Attorneys, Houston, Texas; Criminal Trial Advocacy Course (June, 1977).

Cornell Institute on Organized Crime (August, 1976).

EDUCATIONAL HONORS

Law School:

Note and Comment Editor, New York University Review of Law and Social Change

International Moot Court Team; Runner-up, International Moot Court Regional Competition (Harvard, 1972)

Undergraduate:

Phi Beta Kappa  
Omicron Delta Pi - National Honorary Economics Society  
Tau Kappa Alpha - National Honorary Forensics Society  
Henry Rutgers Scholar Program (Honors Program)

Graduated with "Honors"  
Graduated with "Distinction" from the Department of Economics  
Dean's List: 1968-71